

(f) install and keep installed any equipment (whether or not supplied by the Director) for the purpose of verifying:

(i) the accuracy and reliability of any equipment or apparatus (including any meter) of the Licensee; and

(ii) in the case of any meter which is or is required to be approved and is in use in connection with any of the Applicable Systems, compliance with any conditions or other matters which may be required as regards such use of that meter.

30.10 When this Condition first comes into force paragraphs 30.1, 30.2, 30.3 and 30.4 above shall only apply to any description of meter for voice frequency switched telecommunication services.

30.11 In this Condition:

“approved” means approved under section 24 of the Act;

“billing process” means metering systems and billing systems taken together, where “billing system” means the totality of all equipment, data, procedures and activities which the Licensee employs to determine the charges to be sought for service usage recorded by a metering system based on published or previously negotiated pricing structure and to present these charges on customers’ bills; and “metering system” means the totality of all equipment, data, procedures and activities which the Licensee employs to determine the extent of any telecommunication services provided by means of any of the Applicable Systems;

“information” includes accounts, estimates and returns;

“meter” means any system or apparatus installed or maintained, or to be installed or to be maintained, at the Licensee’s premises, constructed or adapted for use in ascertaining the extent of telecommunication services provided by means of a telecommunication system and cognate expression shall be construed accordingly; and

“service” includes any service provided by any person to whom the Licensee is bound to account for any part of the amount charged by the Licensee.

CONDITION 31

SUPPLY AND CONNECTION OF APPARATUS FOR THE DISABLED

31.1 The Licensee shall consult the Director from time to time about the arrangements made, or to be made, by the Licensee for:

- (a) the supply of telecommunication apparatus designed or adapted to meet the reasonable demands of the disabled; and
- (b) the connection to the Applicable Systems and the provision of Maintenance Services in respect of telecommunication apparatus designed or adapted to assist the disabled to obtain telecommunication services;

and shall, if requested by the Director to do so, participate in the work of the advisory body for matters affecting persons who are disabled or of pensionable age established by him under section 54 (4) of the Act.

CONDITION 31A

PROVISION OF RELAY SERVICE FOR TEXTPHONE USERS

- 31A.1 Subject to the financial limits set out below and from 1 August 1993, the Licensee shall provide the funds for the operation by a person or body ("the Relay Service Provider") agreed from time to time by the Director, the Licensee and any other person contributing to its funding of a telephone relay service for people, whether customers of the Licensee or of another operator, who need to use textphones because of their disabilities. Such service shall consist of the provision of facilities for the receipt and translation of voice messages into text and the conveyance of that text to such textphones and vice versa ("the Service").
- 31A.2 The Licensee shall discharge its obligations under this Condition 31A by complying with guidelines issued from time to time and agreed by the Director, by the Licensee, by the Relay Service Provider and by any other person contributing to the funding of the Service. The Guidelines shall describe the Service and its provision by the Relay Service Provider. The Licensee shall enter into an arrangement with the Relay Service Provider on such terms and conditions as they both consider to be appropriate provided that any such arrangement is in accordance with the Guidelines. Failure of the Relay Service Provider to comply with the Guidelines shall not constitute a breach of the Guidelines by the Licensee.
- 31A.3 Users of the Service who are customers of the Licensee shall be charged for the conveyance of such voice messages and text to which the Service applies at no more than the Licensee's prevailing standard prices or such other charges as are, so far as reasonably practicable, equivalent to such prices as if that conveyance had been made directly between the caller's Network Termination Point and the Network Termination Point of the called person, except that the calling customer may be charged at the Licensee's standard local call prices for the element of the Service which consists of calls made to the Relay Service Provider in order to make a call to a called person irrespective of whether the call to the called person is successful.
- 31A.4 The Licensee's obligations under this Condition 31A consist solely of an obligation to provide funds for the Service and do not extend to either the provision of or funds for any textphones or other apparatus on the customer's side of the Network Termination Point.
- 31A.5 The financial limits referred to in paragraph 31A.1 above are that:
- (a) the Licensee shall not be obliged to provide funds:
 - (i) in the year 1 August 1993 to 31 July 1994 in excess of £10 million;
 - (ii) in the year 1 August 1994 to 31 July 1995 in excess of £10 million or such larger sum (if any) as has been calculated by

increasing £10 million by the percentage equal to the amount of any increase in the Retail Prices Index in the period of 12 months ending on 30 June 1994;

(iii) in the years 1 August 1995 to 31 July 1996 and 1 August 1996 to 31 July 1997 the sum applicable in the preceding year or such larger sum (if any) as has been calculated by increasing the sum applicable in the preceding year by the percentage equal to the amount of the change in the Retail Prices Index in the period of 12 months ending on 30 June immediately before the beginning of that year;

(b) notwithstanding sub-paragraph (a) above the Licensee shall not be obliged to provide funds in excess of a total of £14 million in the period commencing on 1 April 1993 and ending on 31 March 1996 indexed on the basis of the Retail Prices Index up to the latter date.

31A.6 The financial limits referred to in paragraph 31A.1 above for years subsequent to the year 1 August 1996 to 31 July 1997 shall be reviewed by the Director in consultation with the Licensee at the same time as the Director reviews the price control provisions contained in Condition 24A, the Director first having given written notice to the Licensee of his intention to review those financial limits. In the absence of contrary agreement between the Director and the Licensee, the financial limit applicable to each of those subsequent years shall be the successive amounts produced by increasing the sum of £10 million year by year (that is to say, cumulatively) on 30 June 1994 and each anniversary of that date by the percentage equal to the amount of the change in the Retail Prices Index during each previous yearly period.

31A.7 In this Condition:

“customer of the Licensee” means a person who rents an exchange line from the Licensee or a person using such an exchange line with the authority of a person who does so rent one;

“people who need to use textphones because of their disabilities” means people who are deaf, deaf-blind or speech-impaired;

“textphone” means a text terminal connected to the public switched telephone network;

“Retail Prices Index” has the same meaning as in Condition 24A.

CONDITION 32

SPECIAL TELEPHONES FOR THE HEARING IMPAIRED

- 32.1 The Licensee shall ensure that there are available for supply in such a way as to meet all reasonable demands for them Telephones of the following descriptions:
- (a) Telephones capable of being inductively coupled to hearing aids which have been designed to be so coupled to Telephones; and
 - (b) Telephones incorporating sound amplification facilities.
- 32.2 This Condition shall be deemed to be satisfied if the Licensee ensures that there is available for supply either one type of Telephone which meets both descriptions or two types of Telephone each of which meets one description.

CONDITION 33

SPECIAL FACILITIES FOR THE HEARING-IMPAIRED USING PUBLIC CALL BOXES

- 33.1 As from the date on which this Licence enters into force the Licensee shall take all reasonable steps to install and keep installed in all Public Call Boxes at which it provides Call Box Services apparatus enabling persons using hearing aids designed for use in conjunction with Telephones of the kind installed in Public Call Boxes on the said date to use such hearing aids when voice telephony services are provided at Public Call Boxes.

CONDITION 33A

CONTROLLED SERVICES

- 33A.1 The Licensee may only provide a Controlled Service in whole or part by means of the Applicable Systems (whether or not Messages comprised in, or resulting from the provision of, such Services have previously been or are subsequently conveyed by any other public telecommunication system) where the Relevant Condition is satisfied.
- 33A.2 The Licensee may only provide a telecommunication service to another person by means of the Applicable Systems by means of which that person, to the knowledge of the Licensee, provides a Controlled Service (whether or not Messages comprised in, or resulting from the provision of, such services have previously been or are subsequently conveyed by any other public telecommunication system) where the Relevant Condition is satisfied.
- 33A.3 The Relevant Condition is that there is in effect at the time the Controlled Service concerned is provided, a Code of Practice governing the provision of such a Service, which has been recognised by the Director for the purposes of this Condition after consultation with the Licensee and with any body which he considers to be representative of those wishing to provide such Services.
- 33A.4 A Code of Practice shall only be recognised for the purposes of Paragraph 33A.3 if the Director is satisfied that:
- (a) its provisions are capable of properly regulating the provision of the Controlled Services to which it relates and, without prejudice to the generality of the foregoing, make adequate provision for compensating those who suffer as a result of the provision of such Services; and
 - (b) adequate arrangements have been made for the constitution of a body of persons to apply and administer the Code.
- 33A.5 A Code of Practice is recognised for the purposes of this Condition where it is specified as such in a determination made by the Director, and the Director may, at any time after such a Code is recognised and after giving not less than one month's notice in writing of his intention to the body of persons applying and administering the Code, determine that its recognition be revoked if he is satisfied that its provisions are not capable of properly regulating the provision of the Controlled Services to which it relates or that it is not being properly applied and administered.
- 33A.6 For the purposes of this Condition the Director may recognise a Code of Practice in relation to any description of Controlled Service or to all Controlled Services and the provisions of this Condition shall apply accordingly.

- 33A.7 If a recommendation is made to the Director by the body of persons applying and administering a Code of Practice recognised under paragraph 33A.3 that any person (including the Licensee) should no longer be permitted or should not be permitted to provide a particular Controlled Service or any Controlled Services (whether or not he is providing it or them when the recommendation is made) and the Director considers it appropriate, he may direct the Licensee to cease to provide, or, as the case may be, not to provide that person or any other person with any service facilitating or enabling the provision of the relevant Controlled Service or Services or, as the case may be, itself cease to provide, or, as the case may be, not to provide the relevant Controlled Service or Services.
- 33A.8 The Director may determine, subject to such conditions as he thinks fit, that:
- (a) any Controlled Service of any description, or any individually specified such Service provided by a person named in the determination, is not to be treated as a Controlled Service for the purposes of this Condition; and
 - (b) any individually specified Controlled Service in respect of which a determination under sub-paragraph (a) above has been made or which is within a description of Controlled Services in respect of which such a determination has been made, is to be treated as a Controlled Service for those purposes notwithstanding such determination;
- and where a determination of the kind specified in sub-paragraph (b) above is made the provisions of this Condition shall apply to such a Service from the date specified in the determination.
- 33A.9 Subject to paragraph 33A.8, the provisions of this Condition only apply to a Controlled Service in respect of which;
- (a) the person providing the Service obtains the whole or any part of his revenue from the Licensee (or, where that person is the Licensee, that part of the Licensee's business which provides the Service is credited with revenue from that part of its business which conveys the Messages comprised in, or resulting from the provision of, the Service); and
 - (b) the person responsible for paying the charges for the telephone calls by means of which the Service is obtained is billed by means of his telephone bill for any amount in respect of the provision of the Service.
- 33A.10 In this Condition:
- (a) "Controlled Service" means any service of the following descriptions:
 - (i) a Chatline Service; or

- ~~(ii) an Interactive Game Service; or~~
 - (iii) a Live Conversation Message Service.
- (b) "Chatline Service" means, subject to paragraph 33A.11 below, a service which consists of or includes:
- (i) the enabling of more than two persons ("the participants") simultaneously to conduct a telephone conversation with one another without either:
 - (A) each of them having agreed with each other; or
 - (B) one or more of them having agreed with the person enabling such a telephone conversation to be conducted;

in advance of making the call enabling them to engage in the conversation the respective identities of the other intended Participants or the telephone numbers on which they can be called.

- ~~(c) "Interactive Game Service" means any Message Service which consists of, or includes, a facility whereby a person obtaining access to the Service sends Messages to the person providing the Service which are required by the design and constitution of the Service to be sent as an integral part of the provision of the Service where:~~
- ~~(i) the active participation in the Service by the person obtaining access is an integral feature of the Service and is not merely incidental to the provision of the Service; and~~
 - ~~(ii) a call to the Service is capable of lasting longer than five minutes.~~
- (d) "Live Conversation Message Service" means a Message Service (other than a directory information service) which consists of the provision of live telephone conversation for any purpose, whether or not including the provision of information of any kind;
- (i) between the person providing the service (or a person acting on his behalf) and a person who obtains the service, or
 - (ii) between a person who has independently called the service for the purpose of conducting a telephone conversation with one other such person, and such other person;

and, for the avoidance of doubt, it does not include a service provided by a human operator of the Licensee which is incidental to the conveyance of a voice telephony message.

- (e) "Message Service" means a service which consists of, or includes, the sending of speech, music or other sounds or signals to any person who obtains access to that service by means of a Public Switched Telephone Network.
- (f) "Public Switched Telephone Network" means any public telecommunication system which is used to provide switched voice telephony services to the general public.

- 33A.11 A service by which one or more additional persons who are known (by name or telephone number) to one or more of the parties conducting an established telephone conversation can be added to that conversation by means of being called by one or more of such parties is not on that account a Chatline Service if it would not otherwise be regarded as such a service.
- 33A.12 The provisions of this Condition shall cease to have effect on the making of a direction by the Director under Condition 33B to the extent specified in the direction.
- 33A.13 The provisions of this Condition and Condition 33B shall come into force on such day as the Director may determine and different days may be so determined for different provisions or different purposes.

CONDITION 33B

PROVISION OF SPECIAL FACILITIES

- 33B.1 The Licensee shall comply with any direction made under this paragraph which requires the Licensee to make available such of the facilities listed in paragraph 33B.2 as are specified in the direction. A direction under this paragraph shall be made by the Director after consultation with the Licensee and shall specify only facilities which the Director considers it will be technically and economically practicable for the Licensee to provide. The direction shall specify the date by which each facility is to be provided and the class or description of customer (whether described by reference to area or otherwise) to whom it is to be provided and shall be subject to such conditions as the Director thinks fit.
- 33B.2 The facilities referred to in paragraph 33B.1 are:
- (a) The provision to any customer of the Licensee for voice telephony services who requests it of a bill or invoice showing, by reference to the number used to access the service, and the date and time on which access was obtained, the amount of any charge imposed by the Licensee for a telephone call to any service to which this Condition applies;
 - (b) the notification to such a customer who requests it, as soon as reasonably practicable, of:
 - (i) the date on which the total charges accrued within the standard billing period of the Licensee for voice telephony services and any other service to be included in the bill or invoice for such services exceed an amount specified by that customer being an amount, or one of a number of amounts, from time to time specified by the Licensee as being suitable for the purpose; or
 - (ii) the date on which the aggregate charges accrued in any such period in respect of Chatline Services and Message Services to which this Condition applies exceed an amount determined from time to time by the Director; and
 - (c) the barring, by means of apparatus forming part of the Applicable Systems, on request by any such customer, of access from any Exchange Line specified by that customer and in respect of which that customer is the customer of the Licensee, to all Chatline Services and Message Services to which this Condition applies.
- 33B.3 The services to which this Condition applies are those Chatline Services and Message Services in respect of which;
- (a) the person providing the service obtains the whole or any part of his revenue from the Licensee (or, where that person is the Licensee, that

part of the Licensee's business which provides the Service is credited with revenue from that part of its business which conveys the Messages comprised in, or resulting from the provision of, the Service); and

- (b) the person responsible for paying the charges for the telephone calls by means of which the Service is obtained is billed by means of his telephone bill for any amount in respect of the provision of the Service.

33B.4 In this Condition "Chatline Service" and "Message Service" have the respective meanings given to those terms in Condition 33A.

CONDITION 34

NUMBERING ARRANGEMENTS

- 34.1 The Licensee shall from the date on which this Licence enters into force adopt a Numbering Plan and shall not later than three months thereafter furnish details thereof to the Director and on request to any other person having a reasonable interest.
- 34.2 The Numbering Plan shall describe the method adopted and to be adopted for allocating and re-allocating in respect of each Network Termination Point such number or numbers as may be necessary for each item of Relevant Apparatus or each Relevant System that is or is to be connected by means of that Network Termination Point to any of the switched Applicable Systems.
- 34.3 The Licensee shall install, maintain or adjust its switched Applicable Systems so that those Systems convey Messages to Network Termination Points in respect of which numbers have been allocated in accordance with the Numbering Plan.
- 34.4 The Numbering Plan on the date on which this Licence enters into force shall be the numbering arrangements applied immediately before that date but the Licensee shall from time to time thereafter consult:
- (a) the Director about the arrangements for the allocation and reallocation of numbers within the Numbering Plan; and
 - (b) in one body approved by the Director for the purpose and representative of public telecommunications operators and other persons whom the Director considers appropriate about any developments of, additions to or replacements of, the Numbering Plan.
- 34.5 The Licensee shall from time to time (but in the case of proposals for a Numbering Plan based on more than nine digits not before 1 January 1987) prepare, taking into account the consultations in paragraph 34.4 (b), and furnish to the Director proposals for developing, adding to or replacing the Numbering Plan and changing the switched Applicable Systems to the extent necessary to secure that:
- (a) sufficient numbers are made available, having regard to the anticipated growth in demand for telecommunication services, for a number or numbers to be allocated without undue delay;
 - (b) numbers include as few digits as practicable and their allocation does not confer any undue advantage on the Licensee or undue disadvantage on persons running Relevant Systems;

- (c) the cost of changing any of the switched Applicable Systems or any Relevant Apparatus or Relevant System in order to accommodate the revised Numbering Plan is reasonable; and
- (d) inconvenience caused by the alteration of the Numbering Plan to the Licensee and to persons using Relevant Apparatus or Relevant Systems in respect of which numbers have previously been allocated is minimised.

34.6 If the Director determines that the Numbering Plan with any developments, additions and replacements submitted in accordance with paragraph 34.5 is sufficient to provide compatibility with the numbering arrangements applied or to be applied by other public telecommunications operators and to meet the objectives specified in paragraph 34.5, the Licensee shall adopt the Numbering Plan but, if the Director determines that it is not compatible with numbering arrangements applied or to be applied by another public telecommunications operator or will not be sufficient to achieve the objectives specified in paragraph 34.5, then the Licensee shall adopt the Numbering Plan with such developments, additions or replacements as the Director may determine are best calculated to secure the objectives specified in paragraph 34.5.

34.7 The Director shall not exercise his powers under paragraph 34.6 before 1 April 1990 so as to require the Licensee to change the Applicable Systems provided that it does not develop, add to or replace the Numbering Plan before that date except with the consent of the Director.

34.8 Before making a determination under paragraph 34.6 above the Director shall take account of:

- (a) the state of technical development of the Applicable Systems and the Licensee's plans for their commercial development;
- (b) the balance of advantage between:
 - (i) making developments of, additions to or replacements of numbering arrangements applied or to be applied, or making changes to systems run, by others; and
 - (ii) making any requirement of the Licensee;
- (c) the cost to the Licensee and to those to whom the Licensee provides telecommunication services arising from any determination;
- (d) any obligations and recommendations of the International Telecommunication Union which apply to Her Majesty's Government and are accepted by them and any other standard to which the Director consents for the purpose from time to time; and

- (e) the views of the Licensee and such other persons (including operators of public telecommunication systems, those to whom telecommunication services are provided or telecommunication apparatus is supplied and producers of telecommunication apparatus) as appear to the Director to have an interest in the matter.

34.9 If the Director determines that the Numbering Plan shall be developed, added to or replaced in accordance with paragraph 34.6, nothing in paragraph 34.6 shall preclude the Licensee from submitting to the Director proposals for further developments of, additions to or replacements of the Numbering Plan or from subsequently changing the Applicable Systems if the Director does not object to the further developments, additions or replacements proposed by the Licensee.

34.10 The Licensee shall not charge any person for a number which is allocated to him (other than a coveted number allocated to a person who is not a public telecommunications operator at the request of such a person) but nothing in this Condition shall preclude the Licensee from recovering from the operator of a Relevant System the reasonable cost of allocating a number and of carrying out any change to any of the Applicable Systems necessary for the purpose of permitting Messages to be sent to a number allocated to that person and any reasonable continuing costs arising from such a change.

34.11 For the purposes of this Condition:

“to change” includes to make any alteration to the telecommunication apparatus or telecommunication systems or to the protocols (including message formats) or stored commands in such apparatus or systems:

“Relevant System” means a Connectable System which is, or is to be, connected to any of the switched Applicable Systems; and

“Relevant Apparatus” means any apparatus which is, or is to be, so connected.

34.12 For the avoidance of doubt, it is hereby declared that this Condition applies notwithstanding any arrangements for numbering under Condition 13.

34.13 The numbers to which this Condition applies are numbers:

- (a) of a class described in CCITT Recommendations E160, E163, E164 or F69 or their functional successors; or
- (b) which are of a class described in CCITT Recommendation X121 and which include any Data Network Identification Code which has been:
 - (i) allocated before 14 November 1986 in accordance with the Numbering Plan furnished to the Director in accordance with paragraph 34.1; or

- (ii) specified by the Director for the purposes of this Licence and described in a list kept for that purpose by the Director and made available by him for inspection by the general public.

CONDITION 34A

NUMBERING ARRANGEMENTS IN RESPECT OF RELEVANT SERVICES

34A.1 The Licensee shall from the date on which it first provides a Relevant Service adopt a numbering plan ("the Relevant Services Numbering Plan"), in respect of Relevant Services provided or to be provided by means of an Applicable System, for the allocation of any Numbers which:

- (a) are not allocated in accordance with a Specified Numbering Scheme; and
- (b) are used or are intended to be used:
 - (i) by any licensee, other than a public telecommunications operator, under a Licence who provides a service of a description which the Licensee could provide as a Relevant Service under and in accordance with the provisions of this Licence; or
 - (ii) by any other public telecommunications operator; and
- (c) are necessary for access to each separately distinguishable element of each Relevant Service.

34A.2 The Relevant Services Numbering Plan shall describe the method adopted and to be adopted for allocating and re-allocating Numbers of a kind described in paragraph 34A.1. That method shall allow for sufficient Numbers to be available in relation to all telecommunication services, having regard to the reasonably foreseeable growth in demand for such services.

34A.3 The Licensee shall:

- (a) within three months of 30 April 1987; or
- (b) on or before the date on which he first provides a Relevant Service or as soon as practicable thereafter;

whichever is the later, furnish details of the Relevant Services Numbering Plan to the Director and on request to any other person having a reasonable interest.

34A.4 The Licensee shall furnish to the Director details of any proposals the Licensee may have from time to time to change the arrangements for allocating or re-allocating Numbers within, or to develop, add to or replace, the Relevant Services Numbering Plan adopted and furnished in accordance with paragraphs 34A.1, 34A.2 and 34A.3.

34A.5 Where any arrangements for allocating or re-allocating Numbers within the Relevant Services Numbering Plan or any developments, additions or replacements submitted in accordance with paragraph 34A.4:

- (a) are insufficient to provide Compatibility with the numbering arrangements applied or to be applied by any other public telecommunications operator or by any licensee, other than a public telecommunications operator, under a Licence who provides a service of a description which the Licensee could provide as a Relevant Service under and in accordance with the provisions of this Licence;
- (b) do not allow for sufficient Numbers to be available in relation to all telecommunication services, having regard to the reasonably foreseeable growth in demand for such services; or
- (c) are not consistent with any obligations and recommendations of the International Telecommunication Union which apply to Her Majesty's Government and are accepted by them;

the Licensee shall adopt the Relevant Services Numbering Plan with such developments, additions or replacements as are best calculated to secure such Compatibility, availability or consistency.

34A.6 The Licensee shall allocate and re-allocate Numbers in accordance with the Relevant Services Numbering Plan it has adopted.

34A.7 In this Condition:

"Compatibility" means that between the parties concerned there is no reasonably foreseeable risk of:

- (a) duplication of any Number; or
- (b) any other related effect;

such as would introduce ambiguity or errors or impose undue restrictions on any user or group of users;

"Number" means any identifier (including any name or address) of any user, telecommunication apparatus or service element; and

"Specified Numbering Scheme" means a scheme for the allocation and re-allocation of Numbers which is specified by the Director for the purpose of this Licence and described in a list kept for that purpose by him and made available by him for inspection by the general public.

34A.8 The Numbers to which this Condition applies do not include Numbers which:

- (a) are of a class described in CCITT Recommendations E160, E163, E164, or F69 or their functional successors; or
- (b) are of a class described in CCITT Recommendation X121 and which include a Data Network Identification Code which has been:
 - (i) allocated before 14 November 1986 in accordance with the Numbering Plan furnished to the Director in accordance with Condition 34.1; or
 - (ii) specified by the Director for the purposes of Condition 34 or the equivalent Condition in any Licence granted to a public telecommunications operator and described in a list kept for that purpose by the Director and made available by him for inspection by the general public.

CONDITION 34B

NUMBERING ARRANGEMENTS

- 34B.1 Subject to the provisions of this Condition, Condition 34 shall cease to have effect on the coming into force of this Condition.
- 34B.2 Any Numbering Plan in force immediately before the coming into effect of this Condition by virtue of paragraphs 34.1 to 34.4 shall remain in force until the adoption of any Numbering Plan amending or replacing the same under any of the following provisions of this Condition.
- 34B.3 Where before the coming into force of this Condition the Licensee has furnished to the Director proposals in accordance with paragraph 34.5, the Director shall, notwithstanding paragraph 34B.1, make a determination in relation to those proposals in accordance with paragraph 34.6 and the Licensee shall adopt the Numbering Plan referred to in that paragraph as provided therein.
- 34B.4 Where before the coming into force of this Condition the Licensee has adopted a Numbering Plan in accordance with paragraph 34.6, or the Director has made a determination under that paragraph (by virtue of which the Licensee shall adopt the Numbering Plan), the Numbering Plan so adopted shall be the Licensee's Numbering Plan until the Licensee adopts a Numbering Plan pursuant to the following provisions of this Condition. The Numbering Plan referred to in the following provisions of this Condition is the Numbering Plan adopted pursuant to those provisions.
- 34B.5 The Director may determine a Specified Numbering Scheme (the "Scheme") in accordance with the National Numbering Conventions (the "Conventions") published in accordance with paragraph 34B.9 and he will allocate Numbers from this Scheme to the Licensee in accordance with the Conventions. The initial allocation of Numbers to the Licensee shall be of those Numbers to which the Numbering Plan referred to in paragraphs 34B.3 and 34B.4 relates and of any other Numbers to which any other Numbering Plan in force immediately before such allocation relates, provided that, at such time of initial allocation, those Numbers are currently in use by the Licensee, and where not so in use, the Director shall have due regard to the Licensee's plans and future requirements for its use and allocation of additional Numbers. The Director shall, at the request from time to time of the Licensee, allocate to it:
- (a) such quantity of additional Numbers as it may require; and
 - (b) in accordance with the Conventions, such specific Numbers as it may request and which the Director is satisfied are not required for other purposes.
- 34B.6 The Licensee shall adopt a Numbering Plan for such Numbers as the Director may allocate to it from time to time in accordance with the

Conventions. It shall within three months of being notified of such allocation furnish details of the Numbering Plan to the Director, and keep him informed of material changes to the Numbering Plan as they occur. The Licensee shall also furnish details of the Numbering Plan together with any material changes to that Numbering Plan on request to any other person having a reasonable interest. Except where the Director agrees otherwise, the Numbering Plan shall be consistent with the Conventions published in accordance with paragraph 34B.9. If the Numbering Plan is not consistent with those Conventions, the Director may direct the Licensee to adopt and furnish him with a new Numbering Plan or to take such other reasonable remedial action which does not cause undue inconvenience to the Licensee's customers, as may be necessary to ensure consistency.

- 34B.7 The Licensee shall install, maintain and adjust its switched Applicable Systems so that those Systems route Messages and otherwise operate in accordance with the Numbering Plan, including any requirement relating to Portability contained in Condition 34C. The Licensee shall not use Numbers other than those allocated to it from the Scheme except:
- (a) with the written consent of the Director; or
 - (b) where the use of those Numbers is the subject of an agreement to which Condition 13 applies.
- 34B.8
- (a) The Licensee shall provide to the Director on request, such information about its operations under its Numbering Plan as he may reasonably require to administer the Scheme and in particular on:
 - (i) the percentages of Numbers in significant ranges which have already been allocated to end-users or which for other reasons are unavailable for further allocation;
 - (ii) any allocation of blocks of Numbers to any person for purposes other than end use;
 - (iii) Numbers whose use has been transferred at an end-user's request to another Operator; and
 - (iv) the Licensee's current forecasts of all of the above matters.
 - (b) The Licensee shall not be required to provide information about individual end-user customers.
 - (c) In making any such request the Director shall ensure that no undue burden is imposed on the Licensee in procuring and furnishing such information and, in particular, that the Licensee is not required to procure or furnish information which would not normally be available to it, unless the Director is satisfied that such information is essential to the administration of the Scheme.

- 34B.9
- (a) The Conventions referred to in this Condition will be a set of principles and rules published from time to time by the Director after consultation with interested parties who are members of the Telecommunications Numbering and Addressing Body and, if deemed appropriate, with end-users.
 - (b) In consulting the said interested parties, the Director shall afford a reasonable period, not being less than 28 days, for them to make representations, and he shall take the said representations into account when publishing the Conventions. The Conventions shall govern the specification and application of the Scheme and the Numbering Plan of the Licensee and may also include such other matters relating to the use and management of Numbers as (but not limited to):
 - (i) criteria and procedures relating to the application for, allocation of and withdrawal of numbers;
 - (ii) dialling plans;
 - (iii) access codes;
 - (iv) prefixes;
 - (v) standard ways of recording Numbers for convenience or ease of use, such as the grouping of digits in Numbers of particular lengths;
 - (vi) methods of enabling end-users to understand the meaning implicit in Numbers or other dialled digits, and in particular the rate at which a call to a particular Number will be chargeable;
 - (vii) arrangements for the transfer of Numbers between Operators as a result of Portability.
 - (c) The Director may from time to time amend or withdraw a Convention already published, after consultation with interested parties who are members of the Telecommunications Numbering and Addressing Body. The Licensee shall not be required to comply with any such amendment or withdrawal unless the Licensee has been given a reasonable period of notice, such notice not being less than three months. Numbers allocated to the Licensee may only be withdrawn after similar consultation and notice, and the Director shall consult end-users affected by such withdrawal. Subject to overriding national interests, or where there is no alternative solution available, the power to withdraw Numbers shall not apply to any Numbers which the Director has approved from time to time as part of a specific service of the Licensee, which as a result of investment by the Licensee, has a recognised identity and quality associated with that particular Number and which the Licensee is using and plans to continue to use.

34B.10 In deciding on the details of and any subsequent changes to the Scheme and the Conventions, and when making or changing Number allocations within the Scheme or making determinations under this Condition, the Director shall ensure that the Scheme complies with the Conventions and shall have regard to:

- (a) the need for sufficient Numbers to be made available, having regard to the anticipated growth in demand for telecommunication services, together with the need for good husbandry of that supply at any time;
- (b) the need to ensure Compatibility with the Numbering Plans adopted or to be adopted by other public telecommunications operators;
- (c) the convenience and preferences of end-users;
- (d) the requirements of effective competition;
- (e) the practicability of implementing the Conventions in licensed systems by the date when the Conventions are intended to apply;
- (f) any costs or inconvenience imposed on the Licensee, other network operators, end-users and other interested parties (including those overseas);
- (g) any relevant international agreements, recommendations or standards;
- (h) the views of the Licensee and other interested parties; and
- (i) any other matters he regards as relevant.

34B.11 The Licensee shall not, unless the Director consents otherwise, charge any person for a Number which is allocated to him (other than a coveted Number allocated to a person who is not a public telecommunications operator at the request of such a person).

34B.12 For the purposes of this Condition:

“Compatibility” means the absence between the parties concerned of any reasonably foreseeable risk of:

- (a) duplication of any Number; or
- (b) any other related or like effect;

which would be liable to introduce ambiguity or errors or to impose undue restrictions on any user or group of users;

“Number” means any identifier which would need to be used in conjunction with any public switched service for the purposes of establishing a connection with any Network Termination Point, user, telecommunications

apparatus connected to any public switched network or service element, but not including any identifier which is not accessible to the generality of users of a public switched service;

“Numbering Plan” means a plan describing the method adopted or to be adopted for allocating and re-allocating a Number to any Network Termination Point or to any user, telecommunications apparatus or service element;

“Relevant System” means a Connectable System which is, or is to be, connected to any of the switched Applicable Systems;

“Relevant Apparatus” means any apparatus which is, or is to be, so connected;

“Specified Numbering Scheme” means a scheme for the allocation and re-allocation of Numbers for the purposes of any of the switched Applicable Systems and the systems of other licensed Operators which is specified by the Director for the purposes of this Licence and described in a list kept for the purpose by him and made available by him for public inspection; and

“Telecommunications Numbering and Addressing Body” means a body approved by the Director as representative of the Licensee, other public telecommunications operators and other persons whom the Director considers it appropriate to include in consultations about the content of the Conventions and the Scheme.

34B.13 For the avoidance of doubt, it is hereby declared that this Condition applies notwithstanding any arrangements for numbering arising by virtue of any agreement to which Condition 13 applies. But nothing in this paragraph shall affect the operation of any such agreements entered into before the coming into force of this Condition.

34B.14 The Numbers to which this Condition applies are Numbers:

- (a) of a class described in CCITT Recommendation E.160, E.164 or F.69 or their functional successors; or
- (b) which are of a class described in CCITT Recommendation X.121 and which include any Data Network Identification Code which has been:
 - (i) allocated before 14 November 1986 in accordance with the Numbering Plan furnished to the Director in accordance with paragraph 34.1; or
 - (ii) specified by the Director for the purposes of this Licence and described in a list kept for that purpose by the Director and made available by him for inspection to the general public.

CONDITION 34C

NUMBER PORTABILITY

- 34C.1 (a) If directed to do so by the Director, the Licensee shall provide Portability from the date specified in such direction to any Qualifying Operator in accordance with the Functional Specification and with the following provisions.
- (b) "Qualifying Operator" means an Operator which has notified the Licensee in writing that throughout an area which is specified in such notification and is within the licensed area referred to in its licence granted under section 7 of the Act, it is able and willing to provide on reasonable terms Reciprocal Portability in conformity with the Functional Specification, and wishes the Licensee to provide Portability throughout the same specified area.
- (c) The Licensee or the Operator may refer in writing to the Director for his determination any question as to the reasonableness of -
- (i) the extent of the area notified in accordance with sub-paragraph (b);
- (ii) the terms upon which an Operator is prepared to offer Reciprocal Portability
- provided that no application shall be made under this sub-paragraph with respect to charges otherwise determinable by the Director under the provisions of this Condition.
- 34C.2 (a) Having given a direction under paragraph 34C.1, the Director may determine, subject to the following provisions, the reasonable costs of the Licensee in providing Portability and the Standard Portability Charges, allowing the recovery of such costs, to be paid by each Qualifying Operator -
- (i) in relation to the period from the date specified in accordance with paragraph 34C.1 to 31 March 1997;
- (ii) annually thereafter in relation to each financial year ending on 31 March.
- (b) Any determination of costs made under sub-paragraph (a) shall:
- (i) be based upon the Licensee's fully allocated costs of providing Portability, calculated on the basis of information provided by the Licensee to the Director by virtue of its obligations under Condition 13 and related provisions of this Licence, and in response to any written request by the Director made under this paragraph for the purposes of this Condition which shall be